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Attorney Docket No. 826.1606

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Haruyasu UEDA

Application No.: 09/577,594

Group Art Unit: 2756

Technology Center 2100

Confirmation No.: 7152

Filed: May 25, 2000

Examiner:

For: DEVICE, METHOD AND STORAGE MEDIUM TO BLOCK JUNK EMAIL

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RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action mailed March 18, 2003, applicant elects claims 1-3, 9-11 and 17 of Group I, with traverse. The following comments in response to the March 18, 2003 Office Action are respectfully submitted.

The first paragraph on page 2 of the Office Action states that "[t]he Specification appears to be incomplete. There are no details under Background of the Invention on page 1 of the Specification." The Examiner's attention is directed to MPEP § 608.01(a), 8th Ed. in which the Background of the Invention section is described as having two subheadings, one for "Field of the Invention" and the other for "Description of the Related Art". These subheadings were used in the subject application and thus the Background of the Invention section extends from page 1, line 4 to page 4, line 1.

In the remainder of the Office Action, it was asserted that two distinct inventions were recited in the claims that were "related as subcombinations disclosed as usable together in a single combination." However, the alleged subcombinations were both identified as "classified in class 709, subclass 203." This is not surprising, since "blocking junk email" (e.g., claim 1, line 1) is a function performed when "receiving emails" (e.g., claim 4, line 1) and is not separately usable, at least on "received email" (e.g., claim 1, line 4). Given the common classification of the alleged subcombinations, it is unclear what advantage would be gained by examining the claims in separate applications. Furthermore, insufficient reason was provided in

the Office Action to explain how blocking junk email could be used separately from receiving email. Therefore, it is submitted that the restriction requirement was improper.

For the above reasons, withdrawal of the restriction is respectfully requested. If this request is denied, then a prompt examination of claims 1-3, 9-11 and 17 is respectfully requested.

If any fees are required in connection with the filing of this Response, please charge same to our Deposit Account 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 4/18/03

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